

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE)	
PROPRIETY OF PROVISION OF INTERLATA)	CASE NO.
SERVICES BY BELL SOUTH)	2001-00105
TELECOMMUNICATIONS, INC., PURSUANT)	
TO THE TELECOMMUNICATIONS ACT OF)	
1996)	
PETITION OF BELL SOUTH)	
TELECOMMUNICATIONS, INC. FOR THE)	CASE NO.
ESTABLISHMENT OF A NEW PERFORMANCE)	2004-00391
PLAN)	

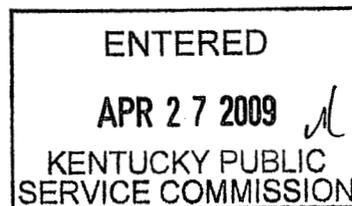
O R D E R

On February 11, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T") filed a letter with the Commission giving notice that it had declared a Force Majeure Event pursuant to Section 4.5.2 of its Self Effectuating Enforcement Mechanisms ("SEEM") Plan after a large municipal water main break under a street outside AT&T's St. Louis data center on December 6, 2008 caused water damage to its St. Louis data center. AT&T stated that the outage prevented the provider from meeting the performance standards associated with the Reject Interval and Firm Order Confirmation Timeliness on certain dates between December 8, 2008 and December 12, 2008. On February 20, 2009, Competitive Carriers of the South, Inc. ("CompSouth") filed an objection to AT&T's declaration of a Force Majeure Event. By Orders dated March 2, 2009, March 11, 2009, and April 9, 2009, the Commission set forth procedural schedules to allow the parties the opportunity to respond and reply to CompSouth's

objection. On April 13, 2009, CompSouth filed a notice of voluntary withdrawal of its objection. The Commission shall treat this notice as a motion and finds that the motion for withdrawal shall be granted.

IT IS HEREBY ORDERED that CompSouth's motion for voluntary withdrawal of its objection to AT&T's Force Majeure Declaration is granted.

By the Commission



ATTEST:

Executive Director